



## Administrative Extension

**Hanh Shaw** to: Bonnet, Michelle M (DEC), Morgan, Sharon R  
(DEC)

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Cc: Cindi Godsey, Richard Cool, Courtney Weber

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Hello Michelle and Sharon,

During last week's call, you inquired about administrative extension coverage under expired general permits. I believe two questions/scenarios were posed and have provided our responses below. Our responses reflect the permitting regulations and our deliberations with EPA's Office of Regional Counsel. Please let me know if we have misunderstood your questions in any way.

1. Can EPA allow administrative extension coverage under general permits for operators who have not submitted timely NOIs prior to permit expiration?

Response: The regulations specifically address administrative extensions of GPs. In order to obtain an administrative extension under a GP, an operator needs to submit a NOI before the GP expires. 40 CFR 122.6 states that a permit is automatically administratively extended if the permittee has submitted a timely application and EPA has not re-issued a permit. Essentially, those facilities that are authorized to discharge under an administratively extended GP remain covered by that GP until a new permit is issued that covers those discharges. If timely NOIs were not submitted prior to GP expiration, then the operators do not have coverage once the permit expires. In addition, permission for late submittals of NOIs cannot be granted once the permit has expired.

2. Can EPA provide administrative extension coverage under AKG33 even though the facilities submitted timely NOIs for AKG57 but were not granted AKG57 coverage (i.e., they did not submit NOIs requesting administrative extension under AKG33 before it expired)?

Response: No. Once a permit is expired, an operator cannot obtain coverage under that permit. If a facility has applied for coverage under a specific permit, EPA cannot re-interpret that NOI to mean coverage under an entirely different permit. EPA would be legally vulnerable in two ways (1) the facility didn't properly apply for and obtain coverage before the permit expired, and (2) that EPA improperly granted coverage under an expired permit.

We understand that there may be operators on the North Slope who may not have an effective permit coverage, and unfortunately, we are not able to authorize coverages under the circumstances discussed above. Please let me know if you have additional questions or concerns.

Hanh